



CRP(MD). No.485 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.02.2026

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THE HONOURABLE MRS. JUSTICE N.SENTHILKUMAR

CRP(MD).No. 485 of 2026 and
CMP(MD).No.2153 of 2026

1.Vijay
2.Lalitha

... Petitioners

Vs

Rajendran

... Respondent

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No.5 of 2025 in O.S.No.21 of 2025 dated 03.01.2026 on the file of the Subordinate Court, Thirumangalam.

For Petitioners

: Mr.S. Ramanathan

ORDER

This Civil Revision Petition has been filed against the order passed in I.A.No.5 of 2025 in O.S.No.21 of 2025, dated 03.01.2026, on the file of the Subordinate Court, Thirumangalam.



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2. The revision petitioners, who are the defendants 1 and 2 in the suit, filed an application in I.A.No.5 of 2025 under Order VII Rule 11 CPC seeking rejection of the plaint. The said application was dismissed by the trial Court on the following grounds, which is extracted hereunder:

“The petitioners stated in their affidavit the father of respondent has sold the suit property through a registered sale deed dated 21.07.1971 and thereafter the respondent does not have any share over the suit property and thereby the declaration suit is not maintainable and prays to reject the plaint. The respondent stated in his counter that even after the sale deed dated 21.07.1971 the Revenue, records/were never mutated in the name of purchaser. Moreover the suit property is also in the possession and enjoyment of respondent. Further, the petitioners have themselves admitted that the suit properties are ancestral properties of the respondent and the rights of the parties has to be decided only in the trial and prays to dismiss this application. Petition and counter averments carefully considered. The averments made in the petition did not fall within the ambit of order 7, rule 11 of C.P.C. and the same has to be decided only after the trial.”

3. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

4. On a careful consideration of the submissions made by the learned counsel for the petitioners and the reasons assigned by the trial Court, this Court finds that the issues raised by the petitioners pertain to



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disputed questions of fact, including the nature of the property, the effect of the sale deed dated 21.07.1971, and the question of possession. Such matters require appreciation of evidence and cannot be decided at the threshold while considering an application under Order VII Rule 11 CPC.

5. The trial Court has rightly held that the grounds raised by the petitioners do not fall within the scope of Order VII Rule 11 CPC and that the matter has to be decided only after a full-fledged trial. This Court does not find any illegality or infirmity in the order passed by the trial Court warranting interference under the revisional jurisdiction.

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

20.02.2026

TRP

Index : yes / no

Internet: yes/ no

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The Subordinate Court, Thirumangalam.

N.SENTHILKUMAR, J.,



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